



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

**GREGG WAGNER, ET AL.**

Serial No.: **09/113,446**

Filed: **07/10/1998**

For: **HOUSING FOR PORTABLE HANDHELD  
ELECTRONIC DEVICE**

Art Unit: **3637**

Examiner: **Gerald A. Anderson**

**REQUEST FOR RECONSIDERATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
Mail Stop: Non-Fee Amendment

Dear Sir:

**RECEIVED**

**APR 08 2004**

**GROUP 3600**

This is in response to the outstanding Office Action mailed December 31, 2003. Applicant respectfully requests reconsideration based on the following remarks.

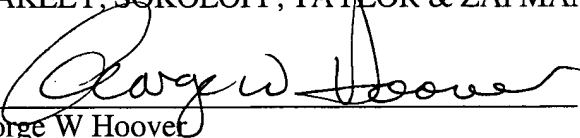
Claims 6-11 remain in the application. Claims 6-11 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Schmidt et al in view of Seo and Pitel. The Examiner's reliance on Seo is misplaced, just as with the Shepard et al. reference in the previous Office Action dated April 2, 2003. The Examiner acknowledges that Schmidt fails to show a one-piece, hollow body portion, but argues that Seo teaches a housing having an integrally formed handle portion 21 and a head 22. Seo does indeed state that the head portion is integrally formed with the grip portion, but nowhere does the patent state that the entire casing 2 is molded as a single undivided piece. If this were the case, there would be no way to install the various internal components as shown in Figure 2. Indeed, it is obvious that circuit board 5 could not be inserted through the reading window 36 and maneuvered past the bend between the grip portion and the head portion. The mere

fact that Seo does not explicitly show parting lines in the casing does not allow one to infer that the casing is molded as a single piece, especially when this would render the casing unusable for its intended purpose. Thus, Seo does not teach a one-piece, hollow body portion as recited in the rejected claims any more than does Schmidt (or Shepard). For the same reasons that the Board of Patent Appeals and Interferences declined to sustain the previous final rejection of the claims, the rejection of claims 6-11 under 35 U.S.C. § 103(a) should be withdrawn.

Respectfully submitted,

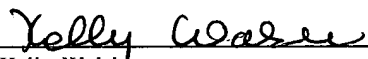
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: March 31, 2004

  
George W Hoover  
Reg. No. 32,992

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Los Angeles, California 90025  
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 March 31, 2004  
Kelly Walsh Date

3637

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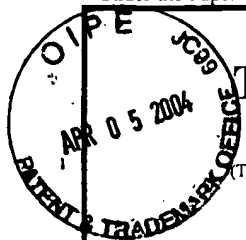


PTO/SB/21 (6/98)

Approved for use through 09/30/00 OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(To be used for all correspondence after initial filing)

Application Number	09/113,446
Filing Date	07/10/1998
First Named Inventor	GREGG WAGNER
Group Art Unit	3637
Examiner Name	GERALD A. ANDERSON
TOTAL NUMBER OF PAGES IN THIS SUBMISSION	4
Attorney Docket Number	003470.P005

## ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) & Accompanying Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication Group <input type="checkbox"/> Appeal Communication to Board of Appeals & Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below) Request for Reconsideration (2 p.) Postcard
<b>Remarks</b> In the event that an extension of time is required to prevent this application from being abandoned, such extension is hereby requested and authorization is hereby given to charge the appropriate fee to Deposit Account No. <u>02-2666</u> .		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual Name	BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP George W Hoover, Reg. No. 32,992	<b>RECEIVED</b> APR 08 2004 <b>GROUP 3600</b>
Signature		
Date	March 31, 2004	

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Typed or Printed Name	Kelly Walsh		
Signature		Date	March 31, 2004

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